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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,098	01/18/2002	Yuko Tsusaka	2002_0045A	6545
513 7590 01/22/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/050,098

Applicant(s)

TSUSAKA ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/30/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-21, rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah-Nazaroff et al (6,157,377)** in view of **Christopoulos et al (2001/0047517)**, applicant discusses the claimed invention and the prior arts of record, amends claims and argues that the prior art of record fail to teach the amended claim limitation, i.e., "...and to restrict a reproduced substance of the content..." (see page labeled 10+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments, however as discussed in the office action below, Shah-Nazaroff is silent to storing the content and the specific data as a pair and transmitting to the client device, where the client device stores the content and special effects data as a pair and reproduces the content by applying the special effects data to the content in accordance with the type and the portion specified by the attribute data and restrict a reproduced substance of the content. However, **Christopoulos** reference figures 1-5, discloses method and apparatus for intelligent transcoding of multimedia data and further teaches storing contents and hints or specific data as a pair and transmitting to a client device, which stores the content and hints as a pair for reproduction in accordance with the type and the portion specified by the attribute data and restrict a reproduced substance of the content (page 2, [0035-0036], [0039-0040], [0046] and [0048]). Christopoulos discloses

that, the gateway or transcoder can reside in the server or the client and the server can be a hard disk drive inside another client, where the gateway or transcoder, within the client device receives multiple versions of the same video or content and restrict a reproduced substance of the content, based on the client processing capabilities, such as providing a full version of the image with less background quality or cropping the image to only contain specific region of interest or most important (page 4, [0035] and [0040-0045]). Hence the 103(a) rejection of **Shah-Nazaroff** in view of **Christopoulos**, meets all the amended claim limitations as discussed below. **This office action is made final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah-Nazaroff et al (6,157,377)** in view of **Christopoulos et al (2001/0047517)**.

As to claims 1-3, note the **Shah-Nazaroff** figures 1-5, discloses method and apparatus for purchasing upgraded media features for programming transmissions and further discloses a contents distribution system (fig.1, 100) for distributing a content including video and/or music data from a contents distribution apparatus to a terminal device (Client System 110) via a network (Communications media 120), where the

contents distribution apparatus (Broadcast Sources/Server System 'BS/SS' 130/140) comprises:

A content storage section (figs.1, 3, Broadcast Sources 'BS' 130) operable to store content and specific data concerning a predetermined specific effect (wide variety of audio, high or low video resolution or video quality, interactive effects, etc.,) to be applied to the content (col.2, lines 18-52, col.3, lines 59-67 and col.6, lines 15-48), the content and the specific data being stored as a pair;

A content management data setting section (Billing Server 'BS' 320) operable to set management data, where the management data at least contains a flag indicating whether or not to apply the predetermined special effect to the content during reproduction (col.2, lines 39-67, col.4, lines 15-25, line 61-col.5, line 43), and conditions of use which need to be satisfied (clients accounts or payment information) in order to reproduce the content without the predetermined special effect (col.5, lines 4-62); and

A transmission section (inherent to Server System 'SS' 140) operable to transmit the content, the specific data, and the management data to the terminal device (col.3, lines 7-33 and lines 59-67), where the terminal device (Client System 'CS' 110) comprise:

A reception section (fig.2, Tuner Interface 230) operable to receive the content, the specific data, and the management data from the transmission section (col.3, lines 7-44 and lines 59-67); and

Reproduction control section (fig.6, System Controller 'SC' 604) operable to reproduce the content with or without the predetermined special effect in accordance

with the specific data and the presence or absence of the flag in the management data, and to reset the flag when the conditions of use contained in the management data are satisfied (col.6, lines 1-48, lines 4957 and col.7, lines 20-53).

Shah-Nazaroff, further discloses a programming guide with various upgrade options and a client device which receives audio/video programming data from variety of sources with or without special effects (col.7, line 35-col.8, line 17), but fails to explicitly teach storing the content and the specific data as a pair and transmitting to the client device, where the client device stores the content and special effects data and reproduces the content by applying the special effects data to the content in accordance with the type and the portion specified by the attribute data.

However, note the **Christopoulos** reference figures 1-5, discloses method and apparatus for intelligent transcoding of multimedia data and further teaches storing contents and hints or specific data as a pair and transmitting to a client device, where the client device, stores the content and hints as pair for reproduction in accordance with the type and the portion specified by the attribute data and further restrict a produced substance of the content (page 2, [0035-0036], [0039-0040], [0046] and [0048]), note that the gateway or transcoder can reside in the server or the client

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Christopoulos into the system of Shah-Nazaroff in order to allow the client device to store the content and hints and dynamically modify the content with the hints data if the status or conditions of the client devices changes without having to communicate upgrade features back to the server.

As to claims 4-5, Shah-Nazaroff, further discloses where the content distribution apparatus further comprises a content selection section operable to select, as the specific data, either special effects data which is generated based on information concerning a type of the predetermined special effect and a portion of the content to apply the predetermined special effect to, or attribute data consisting of the information concerning the type and the portion, such that the special effects data is selected for the terminal device having a relatively low processing ability and the attribute data is selected for the terminal device having a relatively high processing ability and associate flags necessary to upgrade the content with predetermined special effects (col.2, lines 18-52), but fails to explicitly teach where the reproduction control section in the terminal device having a relatively low processing ability reproduces the content by applying the special effects data to the content base on the terminal capabilities and utilizing further data to generate special effects data in accordance with the type and the portion specified by the attribute data which are previously stored in the reproduction control section for realizing special effects and reproducing the content by applying the special effects data to the content.

However, Christopoulos further teaches a client device, which applies special effects to content based on the client's device capabilities as supplied by the client device (page 2, [0035-0036], [0039-0040], [0046] and [0048]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Christopoulos into the system of Shah-Nazaroff in order to provide service to various type of client devices based on their

capabilities and furthermore apply the special effects to the content based on the client's device capabilities.

Claim 6 is met as previously discussed with respect to claim 1.

As to claim 7, Shah-Nazaroff further discloses where the contents distribution apparatus further comprises a distribution content reproduction confirmation section operable to reproduce for confirmation the content with or without the predetermined special effect in accordance with the flag in the management data set by the content management data setting section (col.6, lines 1-30).

As to claims 8-10, the claimed "A contents distribution method for distributing a content including video and/or music data..." is composed of the same structural elements that were discussed in the rejection of claims 1-3.

Claims 11-12 are met as previously discussed with respect to claims 4-5.

Claim 13 is met as previously discussed with respect to claim 6.

Claim 14 is met as previously discussed with respect to claim 7.

As to claims 15-17, the claimed "A contents distribution apparatus for distributing a content including video and/or music data..." is composed of the same structural elements that were discussed in the rejection of claims 1-3.

Claims 18-19 are met as previously discussed with respect to claims 4-5.

Claim 20 is met as previously discussed with respect to claim 6.

Claim 21 is met as previously discussed with respect to claim 7.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Li et al (6,345,279) disclose methods and apparatus for adapting multimedia content for client devices.

Perlman et al (6,141,693) disclose method and apparatus for extracting digital data from a video stream.

Abecassis (5,434,678) discloses seamless transmission of non-sequential video segments.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600